

### **REMARKS**

Claims 1-32 have been examined and stand rejected. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the following remarks.

Claims 1-32 stand rejected under 35 U.S.C. §102(b) based on public use or sale of the invention. Applicant respectfully traverses this rejection.

The Examiner clarified that basis for concluding that the invention was in public use prior to October 24, 2002, which is more than one year prior to the application filing date, is that in the "Record of Invention" form accompanying the written invention disclosure submitted with the Rule 131 Declaration on May 2, 2007 includes a "location of such use" field identifying a location of first use. Understandably, the Examiner concluded that, if this document had been prepared more than one year prior to the filing date of the application, the identified public use would necessarily have occurred more than one year prior to the filing date.

However, while the submitted "Invention Disclosure" was in fact generated prior to October 24, 2002, as previously declared by the inventor, the accompanying Record of Invention form was not prepared until a later date, which was within one year of the filing date. To clarify this fact in the record, Applicant submits herewith a Supplemental Declaration Under 37 CFR 1.131. In the Supplemental Declaration, the inventor reaffirms that the written "invention disclosure" was indeed prepared prior to October 24, 2002, but clarifies that the "Record of Invention" form was not prepared until a later date. The inventor further declares that there was no public use of the invention more than one year prior to the U.S. filing date of October 29, 2003, and in particular clarifies that the use referred to in the "Record of Invention" did not occur more than one year prior to the filing date.

Moreover, to resolve any concern or ambiguity regarding this issue, Applicant submits herewith a non-redacted version of the relevant page of the "Record of Invention" in which the date of first public use has not been removed. As can clearly be seen from this non-redacted version, the date of first public use was indicated as October 29, 2002, which is not more than

one year prior to the filing date. In view of these clarifications, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1-34. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Dated: January 16, 2008

Respectfully submitted by:

**EDELL, SHAPIRO & FINNAN, LLC**  
**CUSTOMER No. 27896**  
1901 Research Boulevard, Suite 400  
Rockville, MD 20850  
(301) 424-3640

/Patrick J. Finnan/  
Patrick J. Finnan  
Reg. No. 39189